

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

TANYA HYER,

Plaintiff,

3:12-CV-0054
(GTS/DEP)

v.

CAROLYN W. COLVIN, Acting Comm'r of Soc. Sec.,

Defendant.

APPEARANCES:

LACHMAN & GROTON
Counsel for Plaintiff
P.O. Box 89
1500 East Main Street
Endicott, NY 13761-0089

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL-REGION II
Counsel for Defendant
26 Federal Plaza, Room 3904
New York, NY 10278

GLENN T. SUDDABY, United States District Judge

OF COUNSEL:

PETER A. GROTON, ESQ.

REBECCA H. ESTELLE, ESQ.

The above matter comes to this Court following a Report-Recommendation by United States Magistrate Judge David E. Peebles, filed on February 27, 2013, recommending that (1) the Commissioner's motion for judgment on the pleadings be denied, (2) Plaintiff's motion for judgment on the pleadings be granted, (3) the Commissioner's decision denying disability benefits be vacated, and (4) the case be remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (Dkt. No. 18.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. (*See generally*

Docket Sheet.) After carefully reviewing all of the papers herein, including Magistrate Judge Peebles' thorough Report-Recommendation, the Court can find no error in the Report-Recommendation, clear or otherwise. As a result, the Report-Recommendation is accepted and adopted in its entirety; the Commissioner's motion for judgment on the pleadings is denied; Plaintiff's motion for judgment on the pleadings is granted; the Commissioner's decision denying disability benefits is vacated; and the case is remanded to the Commissioner for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

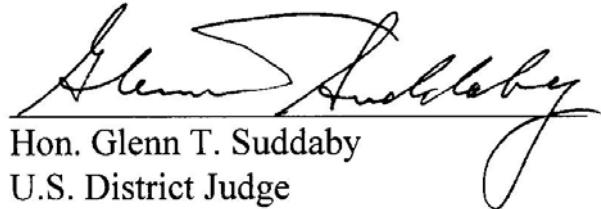
ACCORDINGLY, it is

ORDERED that Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 18) is ACCEPTED and ADOPTED in its entirety; and it is further
ORDERED that the Commissioner's motion for judgment on the pleadings (Dkt. No. 16) is DENIED; and it is further
ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 13) is GRANTED; and it is further

ORDERED that the Commissioner's decision denying disability benefits is VACATED; and it is further

ORDERED that this matter is REMANDED to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

Dated: March 22, 2013
Syracuse, New York



Hon. Glenn T. Suddaby
U.S. District Judge